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Compilation on Peru

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1-2]

2. The Committee against Torture invited Peru to consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[3]

3. The Committee on the Elimination of Discrimination against Women recommended that Peru establish effective mechanisms to monitor compliance with existing legislation and relevant conventions of the International Labour Organization (ILO) that it had ratified, including the Forced Labour Convention, 1930 (No. 29), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Workers with Family Responsibilities Convention, 1981 (No. 156).[4]

4. Three Committees and the Working Group on the issue of discrimination against women in law and in practice urged Peru to speed up the ratification of the ILO Domestic Workers Convention, 2011 (No. 189).[5]

5. The Committee on the Elimination of Racial Discrimination encouraged Peru to consider acceding to the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance of 2013.[6]

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6. The United Nations country team welcomed the ratification of various instruments, but noted that Peru had still not complied with the relevant recommendations of the second cycle of the universal periodic review.[7]

7. The Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for South America helped to enhance the capacity of government officials and parliamentarians to follow-up on recommendations from the universal periodic review and other human rights mechanisms, and encouraged the exchange of good practices regarding online follow-up databases.[8]

8. Peru has contributed financially to OHCHR since 2012, including to the United Nations Voluntary Fund for Indigenous Peoples and the United Nations Voluntary Fund for the Victims of Torture.[9]

III. National human rights framework[10]

9. The Committee on the Elimination of Racial Discrimination took note of the creation of the National Commission against Discrimination, but was concerned at the lack of precise information on the resources allocated to the Commission and on its functions. The Committee regretted that the National Institute for the Development of Andean, Amazonian and Afro-Peruvian Peoples had been merged with the Ministry of Culture.[11]

10. The Working Group on Enforced or Involuntary Disappearances noted that Peru had adopted the National Human Rights Plan 2014-2016, along with other plans, such as the national plan for education on fundamental rights and responsibilities.[12]

11. The country team said that the proposed database and platform for the follow-up of recommendations was a positive step, although they were still in the testing phase and not yet publicly accessible.[13] It also noted that the National Human Rights Plan 2012-2016 included recommendations from the universal periodic review, but excluded lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. It added that there continued to be challenges with the coordination, implementation, monitoring and evaluation of other plans.[14]

12. In 2017, the OHCHR Regional Office for South America noted that Peru must ensure the proper functioning of the Office of the Ombudsman.[15]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[16]

13. The country team indicated that 81 per cent of the population considered that discrimination was an everyday occurrence; it welcomed the establishment of the National Commission against Discrimination and the Racism Alert platform as well as the passing of Legislative Decree No. 1323.[17]

14. The Committee on the Rights of the Child was concerned at the prevalence of structural discrimination against certain groups of children, including indigenous, Afro-Peruvian children, children living in rural areas, lesbian, gay, bisexual, transgender and intersex children and children with disabilities, particularly regarding their access to education and health care.[18]

15. Two Committees were concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes against women and children.[19] Similar concerns were raised by the United Nations country team.[20]

16. Two Committees were concerned that indigenous peoples and Afro-descendants continued to be victims of discrimination and that indigenous and Afro-Peruvian women continued to encounter discrimination in education, employment and health.[21]

17. Two Committees were concerned at the absence of legislation explicitly prohibiting discrimination based on sexual orientation or gender identity, and recommended that Peru explicitly prohibit discrimination on those grounds.[22] The country team recommended the promotion of information campaigns to prevent discrimination and homophobic and transphobic violence.[23]

18. The Committee on the Elimination of Racial Discrimination was concerned that refugees and asylum seekers continued to face racial discrimination, impeding the exercise of their rights to health and employment.[24]

2. Development, the environment, and business and human rights[25]

19. The Committee on the Elimination of Racial Discrimination was concerned that concessions for the extraction of natural resources continued to infringe on the rights of indigenous peoples over their lands, including waters, and generated environmental problems. It was also concerned at the lack of effective implementation of the measures adopted to mitigate environmental impacts.[26]

20. The Committee on the Rights of the Child expressed concern at the impact of mining and hydroelectric projects on the living conditions of children in regions such as La Oroya, Cerro de Pasco and Cajamarca, and with respect to health hazards and environmental degradation. The Committee was also concerned that environmental impact assessments were not always carried out prior to granting licences to companies.[27]

21. The Committee on the Elimination of Discrimination against Women was concerned about major constraints faced by rural women and the differentiated gender impact of climate change and recurring natural disasters, including severe drought, landslides and earthquakes.[28]

22. The country team said that Peru was vulnerable to climate change and the risk of natural disasters such as the El Niño phenomenon in 2017, which had had a serious impact on people and infrastructure.[29]

23. The country team noted that there was no State strategy for the implementation of the Guiding Principles on Business and Human Rights and recommended incorporating one in the National Human Rights Plan, with intersectoral participation.[30] In July 2017, the Working Group on the issue of human rights and transnational corporations and other business enterprises had called for a new vision of the conflictual situation in relation to businesses and encouraged the development of a national plan of action on business and human rights.[31]

3. Human rights and counter-terrorism

24. The Human Rights Committee was concerned at the broad definition of "hostile group" provided for in Legislative Decrees No. 1094 and No. 1095, which could potentially be interpreted to include social movements.[32]

B. Civil and political rights

1. Right to life, liberty and security of person[33]

25. Two Committees noted with concern allegations of serious human rights violations during states of emergency, such as arbitrary detention, killings and torture, and reports of excessive use of force, including the use of lethal weapons, by law enforcement officials and members of the security forces in the context of social protests.[34] The Committee against Torture was concerned at the promulgation of Legislative Decree No. 1095 allowing military courts to decide on cases of excessive use of force and human rights violations during states of emergency.[35]

26. The same Committee was concerned at reports of harassment and violent attacks, some of which had resulted in death, against the lesbian, gay, bisexual and transgender community by members of the national police, armed forces, municipal security patrols and prison officials.[36]

27. The country team noted that Legislative Decree No. 1186 regulated the use of force by members of the National Police of Peru; it recommended the application of standards on the use of force, the training of police officers and the investigation of reported cases.[37]

28. In several instances since 2014, the OHCHR Regional Office for South America expressed concern at the excessive use of force by the Peruvian police in response to social protests.[38]

29. The Committee against Torture was concerned that the fundamental legal safeguards for persons detained by the police were not always respected and regretted the absence of a specific registry for cases of torture and cruel, inhuman or degrading treatment and punishment.[39]

30. The country team welcomed the adoption of the Act and National Plan on the Search for Disappeared Persons but noted that victims of sexual violence had not been included in the Comprehensive Reparations Plan.[40]

31. The country team welcomed the establishment of the national mechanism for the prevention of torture in the Office of the Ombudsman, although it was concerned that it was not yet operational.[41]

32. The Human Rights Committee was concerned about the level of overcrowding in places of detention, particularly in Yanamayo and Challapalca prisons.[42] The Committee against Torture was concerned at information about the conditions in detention centres, including overcrowding at 114 per cent.[43]

33. The country team reported that overcrowding continued to be one of the main problems in the prison system, together with problems in the areas of health care, security and reintegration of prisoners. It noted that prison personnel had received insufficient training on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) and the Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), as had been acknowledged by the Government.[44]

34. The Committee on the Rights of the Child was concerned that conditions in residential care centres were not always adequate, and at reports of deprivation of food and suppression of family visits being used as punishments.[45]

2. Administration of justice, including impunity, and the rule of law[46]

35. The Committee against Torture was concerned that some 60 per cent of all detainees were in pretrial detention, which contributed to the overcrowding in detention centres.[47] The country team said that pretrial detention continued to be applied as a matter of course rather than as an exceptional measure.[48]

36. The Committee on the Elimination of Discrimination against Women was concerned about the barriers preventing women's access to justice, including discrimination, gender insensitivity and linguistic and economic barriers, which were faced mainly by women living in poverty and in rural areas, and by indigenous and Afro-Peruvian women.[49] The Working Group on the issue of discrimination against women in law and in practice raised similar concerns.[50]

37. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned that migrant workers had limited access to justice owing to ignorance of the administrative and judicial remedies to which they were entitled.[51]

38. The country team welcomed the National Justice Agreement and the National Plan on Access to Justice for Vulnerable Persons 2016-2021, although it noted that economic, physical, geographical and cultural barriers remained, as well as a perception of corruption

in the judiciary.[52] The Working Group on the issue of discrimination against women in law and in practice noted a shortage of women at the highest levels of the judicial system.[53]

39. The Working Group on Enforced or Involuntary Disappearances appreciated the establishment of a subsystem of criminal justice to deal with human rights violations.[54] The Committee on the Rights of the Child urged Peru to fight corruption and impunity at all levels of the criminal justice system.[55]

40. The Working Group on Enforced or Involuntary Disappearances recognized that some significant steps had been taken to secure truth, justice and reparation, such as the work of the Truth and Reconciliation Commission, exhumations and monetary, educational and health reparations.[56] It noted that the challenges included the fact that few judicial proceedings had been completed, the absence of a genetic databank and the lack of comprehensive psychosocial care for victims of enforced disappearances.[57]

41. The Committee against Torture was concerned at the underreporting of cases of sexual violence against women during the armed conflict, the limited number of investigations, the absence of sentences and the lack of effective redress to victims of sexual violence.[58] The Human Rights Committee raised similar concerns.[59]

42. The Committee on the Elimination of Racial Discrimination was concerned about delays in the implementation of the Comprehensive Collective Reparations Plan, particularly with regard to indigenous peoples who had been victims of the armed conflict.[60] The Committee on the Rights of the Child expressed similar concerns.[61]

43. Two Committees noted that cases of forced sterilizations undertaken in the context of the National Programme on Reproductive Health and Family Planning 1996-2000 had not been effectively investigated and that the victims had received no compensation.[62]

3. Fundamental freedoms and the right to participate in public and political life[63]

44. Two Committees were concerned at reports of physical attacks and arrests of journalists and human rights defenders, especially those who defended the rights of communities, including children, affected by mining and hydroelectric projects.[64] The country team noted that the protocol for the protection of defenders announced by the Ministry of Justice and Human Rights had not yet been adopted.[65]

45. The Human Rights Committee was concerned that women were underrepresented in decision-making positions in the public sector.[66] The Committee on the Elimination of Discrimination against Women was concerned that parliamentary representation of women had decreased, that existing electoral gender quotas in regional and municipal elections were often not met,[67] and that women politicians experienced harassment by peers or the authorities.[68]

46. The same Committee recommended that Peru use temporary special measures aimed at accelerating equality in all areas in which women were underrepresented or disadvantaged.[69] The country team recommended launching a debate on parity democracy, with a view to achieving full parity in Peru by 2030.[70]

47. The Working Group on the issue of discrimination against women in law and in practice noted that Peru had made significant efforts in terms of the political participation of women, which had increased as a result of legislation introducing gender quotas. However, the quotas had not managed to remedy a situation in which women lagged behind.[71]

48. The Human Rights Committee was concerned that defamation remained a crime under national law, which represented a threat to the exercise of freedom of expression.[72]

4. Prohibition of all forms of slavery[73]

49. Three Committees were concerned at the extensive prevalence of child labour, particularly in rural areas, with a high percentage of children involved in the worst forms of child labour, including mining, agricultural work, logging, brick-making, domestic work and garbage dump work, and in illicit activities.[74] The Committee on the Elimination of

Racial Discrimination raised concerns about indigenous peoples who were deceived into engaging in forced labour practices and servitude in the forestry and mining sectors.[75]

50. The Committee on the Elimination of Discrimination against Women was concerned about trafficking in adolescent girls for sexual or labour exploitation, particularly in the mining and logging industries.[76] The Committee on the Rights of the Child welcomed the introduction of the criminal offence of child sex tourism in Peruvian legislation.[77]

51. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Peru continue its efforts to combat trafficking in persons and investigate, prosecute and punish the persons and groups involved.[78] The ILO Committee of Experts on the Application on Conventions and Recommendations noted that Peru had a passive attitude towards the prosecution of cases involving trafficking of children.[79]

52. The country team said that the criminal offence of trafficking in persons had been adapted and that the adoption of the second National Plan to Combat Forced Labour 2013-2017 and the recent criminalization of forced labour were positive steps.[80]

5. Right to privacy and family life[81]

53. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned that Peru did not provide for family reunification in legislation on migration, particularly regarding residence permits for spouses in the event of death.[82]

54. Three Committees were concerned that a significant number of indigenous children, women and girls continued to face difficulty in gaining access to the birth register and obtaining identity documents, particularly in the indigenous communities of the Amazonian and Andean regions.[83]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[84]

55. The Committee on the Elimination of Discrimination against Women was concerned about inequalities in the labour market, the gender wage gap, poor working conditions and the lack of social protection for women employed in the informal sector, especially outside Lima and in rural areas.[85] The Working Group on the issue of discrimination against women in law and in practice raised similar concerns.[86]

56. The ILO Committee of Experts stressed that wage differentials remained one of the most persistent forms of inequality between women and men.[87]

57. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Peru guarantee that migrant workers in an irregular situation were able to exercise their trade union rights.[88]

58. The country team noted the high level of underemployment and informal employment, which had reached 73.2 per cent in 2015. It acknowledged that the Ministry of Labour and Job Creation's strategy for employment formalization was a step forward, but stressed that it should include other sectors. It reported that ratification of the International Labour Organization Domestic Workers Convention, 2011 (No. 189) continued to present a challenge.[89]

2. Right to social security

59. The country team noted that 40 per cent of domestic workers did not have health insurance and 87.4 per cent did not belong to a pension scheme.[90]

3. Right to an adequate standard of living[91]

60. The country team noted that, although the proportion of the population living below the poverty line had decreased, inequalities remained, despite targeted social programmes.[92]

61. The Committee on the Rights of the Child remained concerned that, despite improvements, child poverty was widespread.[93] The Committee on the Elimination of Racial Discrimination noted with concern that members of indigenous peoples and Afro-Peruvians continued to be subjected to structural discrimination and were constantly faced with a lack of economic opportunities, poverty and exclusion.[94]

62. The Committee on the Elimination of Discrimination against Women was concerned about the lack of a gender dimension in land ownership and the fact that women were affected by land and resource acquisition by multinational corporations.[95] The Working Group on the issue of discrimination against women in law and in practice had similar concerns with regard to women in rural areas.[96]

63. The same Working Group noted that women continued to face numerous obstacles that prevented them from fulfilling their economic potential.[97]

64. The country team noted that 5.2 million Peruvians remained in a situation of high food insecurity because of recurring natural phenomena; it recommended adopting legislation on food and nutritional security and adopting regulations on the Healthy Food Act.[98]

65. The country team reported that access to basic housing services had gradually increased, but 46.6 per cent of the urban population lived in slums, informal settlements or inadequate housing.[99]

4. Right to health[100]

66. The country team indicated that 72.3 per cent of the population had some form of health insurance cover.[101] The Committee on the Rights of the Child welcomed the progress made by Peru in reducing child mortality and chronic malnutrition, but was concerned at disparities between urban and rural areas and regarding indigenous children and children living in poverty.[102]

67. The Committee on the Rights of the Child was concerned about the high rate of teenage pregnancy, the lack of access by adolescents to sexual and reproductive health services, and the high rate of suicide and depression among adolescents.[103]

68. The Working Group on the issue of discrimination against women in law and in practice welcomed the adoption of the national technical manual on the harmonization of comprehensive care procedures for women undergoing a voluntary therapeutic termination of pregnancy.[104]

69. The same Working Group and the Committee on the Elimination of Discrimination against Women expressed concern at the restrictive abortion laws,[105] and recommended that Peru extend the grounds for legalization of abortion to cases of rape, incest and severe fetal impairment, and ensure the availability of abortion services and access to high-quality post-abortion care.[106] Three Committees and the country team made similar recommendations.[107]

70. The Committee on the Rights of the Child was concerned that only about 50 per cent of children infected with HIV received antiretroviral treatment. It was also concerned at the increasing rate of infection among indigenous children and the limited provision of appropriate health-care services for HIV-infected pregnant women.[108] The country team added that persons living with HIV continued to have limited access to sexual and reproductive health services.[109]

71. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Peru adopt specific and effective measures to ensure access to health care for all migrant workers.[110] The Committee on the Elimination of Discrimination against Women was concerned about the linguistic, cultural and economic barriers faced by indigenous women in gaining access to health services.[111]

72. The country team reported on the situation of persons with neuropsychiatric conditions and recommended expediting the implementation of Act No. 29889 to establish community mental health centres and sheltered accommodation throughout the country.[112]

5. Right to education[113]

73. The country team noted that, despite progress made in primary education, almost 383,000 children under the age of 12 were outside the education system and more than 643,000 were at risk of dropping out. It expressed concern at the lack of teachers trained in bilingual intercultural education and inclusive education.[114]

74. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that through the National Education Project 2021, Peru had made great efforts to improve the education system.[115] UNESCO noted that the creation of the National Programme for Educational Infrastructure was an outstanding initiative.[116]

75. The country team noted as a positive development the national basic education curriculum, which had incorporated a rights and gender-based approach in schools.[117]

76. Two Committees were concerned about lower enrolment and completion rates, difficulties in accessing quality and bilingual education and high illiteracy rates among children living in rural areas, indigenous peoples and Afro-Peruvians.[118] The Committee on the Elimination of Racial Discrimination,[119] the Working Group on the issue of discrimination against women in law and in practice[120] and UNESCO raised similar concerns.[121]

77. The Working Group on the issue of discrimination against women in law and in practice congratulated Peru on the significant achievement in attaining gender parity in primary education, but noted that the dropout rate for girls at secondary school level was still worrying.[122] The Committee on the Elimination of Discrimination against Women raised similar concerns.[123]

78. The Committee on the Rights of the Child was concerned that only 50 per cent of children with disabilities attended school.[124]

79. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Peru adopt specific and effective measures to ensure access to education for all children of migrant workers.[125]

80. The Committee on the Rights of the Child and UNESCO were concerned about the growing privatization of education, which might reinforce discrimination in the educational system.[126]

D. Rights of specific persons or groups

1. Women[127]

81. The Working Group on the issue of discrimination against women in law and in practice recognized the efforts made by Peru to strengthen its legal and policy frameworks on the promotion and protection of women's rights and on achieving gender equality.[128]

82. The Committee on the Elimination of Discrimination against Women was concerned about provisions in the Labour, Civil and Penal Codes that directly discriminated against women, in addition to the gender-neutral provisions that sometimes indirectly discriminated against them.[129]

83. The Committee on the Elimination of Racial Discrimination was dismayed by reports of discrimination suffered by many female domestic workers owing to their ethnic origin.[130] The Working Group on the issue of discrimination against women in law and in practice noted that patriarchal patterns of behaviour, attitudes, expectations and practices denigrating girls and women remained widespread.[131]

84. Two Committees were concerned at reports of widespread violence against women and girls, including domestic and sexual violence and femicide.[132] In 2014, the Working Group on the issue of discrimination against women in law and in practice noted that violence against women was a widespread problem in all spheres, including the home, school, work and public spaces, and that prosecutions of crimes were still not receiving the priority they deserved. That required urgent action at all levels.[133] The country team

recognized that progress had been made, but pointed out that gender-based violence continued to be a critical issue; it was vital that the multisectoral response should be strengthened.[134]

85. The Committee on the Elimination of Discrimination against Women recommended that Peru increase efforts to raise awareness among women of their economic and property rights.[135]

86. The Working Group on the issue of discrimination against women in law and in practice regretted that the budget allocated to the Ministry for Women and Vulnerable Groups was insufficient to fulfil its mandate, but noted with satisfaction the establishment of Women's Emergency Centres for women victims of violence.[136]

2. Children[137]

87. The Committee on the Rights of the Child welcomed the adoption in 2015 of Law No. 30403 prohibiting the use of corporal and other humiliating punishment against children and adolescents, but was worried about the widespread social acceptance of corporal punishment. Two Committees were concerned at the high levels of violence against children, including domestic and sexual violence.[138] The Committee on the Rights of the Child was concerned at numerous cases of child abuse perpetrated by clergy of the Catholic Church.[139]

88. The same Committee was concerned that the minimum age for admission to employment remained at 14. It recommended that Peru increase the minimum age to 15, and ensure that all hazardous and abusive forms of labour were prohibited for children under 18 years of age.[140]

89. That Committee was also concerned that age verification procedures for recruitment into the armed forces were not carried out systematically and that the recruitment of children below the age 15 had not been defined as a war crime.[141]

90. While welcoming the enactment of Legislative Decree No. 1297 on children and adolescents without parental care and the Code on Adolescent Criminal Responsibility, the country team noted the persistence of violence against children and adolescents.[142]

91. The Committee on the Rights of the Child was concerned at the high rate of drug and alcohol addiction among children and adolescents, particularly children in street situations.[143] It was also concerned about the high prevalence of child marriage, particularly in indigenous and rural areas.[144]

3. Persons with disabilities[145]

92. The Committee against Torture was concerned at reports of violent and discriminatory practices against persons with disabilities in medical settings, deprivation of liberty without access to basic legal safeguards, and the enforced administration of treatments such as electroconvulsive therapy. It recommended that Peru repeal the suspended administrative decree that allowed the forced sterilization of persons with mental disabilities.[146]

93. The Committee on the Rights of the Child was concerned that more than 90 per cent of children with disabilities did not possess a disability certificate, at the limited access to inclusive education for children with disabilities, particularly in rural and remote areas, and at the limited support provided by the assistance and advice services for students with special educational needs.[147]

94. While welcoming the fact that Peru had a regulatory framework in compliance with the Convention on the Rights of Persons with Disabilities, the country team expressed concern at the persistence of discrimination against persons with disabilities and of obstacles to their full enjoyment of the rights to education, health, work and accessibility, and the regulatory barriers in relation to legal capacity.[148]

4. Minorities and indigenous peoples[149]

95. The Special Rapporteur on the rights of indigenous peoples noted that Peru was making significant efforts to deal with problems arising from the extraction of natural resources, such as the development of a legal framework for consultation with indigenous peoples and the establishment of a specific system for the protection of indigenous communities in a situation of isolation or initial contact.[150]

96. The country team reported that, since the enactment of Act No. 29785 on the Right of Indigenous or Aboriginal Peoples to Prior Consultation and its regulations, 28 processes of prior consultation had been conducted on extractive projects, and on national plans and programmes, but that they had yet to be applied in the mining sector and there was still no effective follow-up of the agreements reached.[151]

97. In July 2017, two special procedure mandate holders urged Peru to suspend the negotiations on a new oil exploitation contract in so-called "Block 192" until the rights of local indigenous peoples had been protected.[152]

98. The Special Rapporteur on the rights of indigenous peoples recommended that Peru guarantee the necessary funding, staffing and organizational stability to enable the Office of the Deputy Minister of Intercultural Affairs to fulfil its mandate in relation to indigenous peoples.[153] He noted that, although the implementation of prior consultation had led to greater inclusion of indigenous peoples in the granting of licences for extractive projects, they had not taken part in strategic planning concerning natural resources.[154]

99. The Committee on the Rights of the Child was concerned at reports that Law No. 29785 on the right of indigenous peoples to prior consultation did not apply to all self-identified groups of indigenous peoples and that some projects relating to the mining sector were excluded from the consultation process.[155] Two other Committees raised similar concerns.[156]

100. The Committee on the Elimination of Racial Discrimination urged Peru to adopt general and specific measures to ensure that Afro-Peruvians were able to exercise their rights, and to adopt mechanisms aimed at ensuring their participation in politics, in the design and approval of public standards and policies and in the implementation of projects affecting them directly or indirectly.[157]

101. The country team noted progress made in relation to the rights of people of African descent, such as the National Development Plan for the Afro-Peruvian Population 2016-2020, the National Afro-Peruvian Council, the working group on policies for Afro-Peruvians, the inclusion of a question on ethnic origin in the 2017 census, and the first conviction for the crime of racial discrimination. The country team noted that economic, social and cultural rights, access to justice, stereotyping and racist discourse continued to present challenges.[158]

5. Migrants, refugees, asylum seekers and internally displaced persons

102. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that the new legal provisions in Legislative Decree No. 1350 (2017) were generally in line with international standards. However, UNHCR noted that efforts would be needed in the implementation of the new regulations to ensure that, inter alia, asylum seekers did not face impediments to entry and refugees had access to permanent residence.[159] The country team drew attention to the Migration Act and the work of the Intersectoral Round Table for Migration Management, but noted that the local integration of migrants and refugees remained a challenge.[160]

103. The Human Rights Committee recommended that Peru adopt and implement laws guaranteeing respect for the principle of non-refoulement in cases involving risk of death, torture or ill-treatment of migrants.[161] The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Peru guarantee that detention of migrant workers in an irregular situation was used as a measure of last resort only.[162]

104. The same Committee was concerned that family members of migrant workers were not permitted to work in Peru.[165] It was also concerned about the "citizens' alert" migration control mechanism, whereby citizens could report migrant workers.[166]

105. UNHCR noted that Peru had experienced a 900 per cent increase in new asylum applications, with more than 3,602 new asylum applications from Venezuelans in 2016.[167]

106. Regarding the relevant recommendations from the second review cycle,[168] UNHCR noted that refugees and asylum seekers were particularly at risk of falling victim to trafficking or smuggling due to the vulnerable situations they often faced.[169]

107. Regarding the relevant recommendations from the second review cycle,[168] UNHCR noted that female refugees and asylum seekers faced situations of domestic violence aggravated by their displacement and the lack of information about services available, and faced discriminatory attitudes.[169]

108. UNHCR stated that asylum seekers were excluded from the universal health insurance system because the temporary documents they received were not considered valid for enrolment. It noted that refugee families faced significant difficulties in accessing the system due to additional requirements.[170]

Notes

1 Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Peru will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/PEindex.aspx.
2 For relevant recommendations, see A/HRC/22/15, paras. 116.1-116.3, 116.26, 116.62, 117.1-117.2, 117.5 and 119.1-119.2.
3 See CAT/C/PER/CO/5-6, para. 24.
4 See CEDAW/C/PER/CO/7-8, para. 32.
5 See CERD/C/PER/CO/18-21, para. 17, CEDAW/C/PER/CO/7-8, para. 32, CMW/C/PER/CO/1, paras. 16-17, and A/HRC/29/40/Add.2, para. 86 (g).
6 See CERD/C/PER/CO/18-21, para. 25.
7 See country team submission for the universal periodic review of Peru, paras. 3-4. For the relevant recommendations, see A/HRC/22/15, paras. 116.1-116.2, 116.7, 117.8 and 119.1-119.2.
8 OHCHR, "OHCHR in the field: Americas", in *OHCHR Report 2015*, p. 190. See also "OHCHR in the field: Americas", in *OHCHR Report 2016*, pp. 209-210.
9 OHCHR, "Management and funding", in *OHCHR Report 2016*, pp. 79, 83 and 116-117.
10 For relevant recommendations, see A/HRC/22/15, paras. 116.7-116.8, 116.14-116.18, 116.20, 116.22, 116.91 and 118.2.
11 See CERD/C/PER/CO/18-21, para. 12.
12 See A/HRC/33/51/Add.3, para. 18.
13 See country team submission, para. 7. For the relevant recommendation, see A/HRC/22/15, para. 116.26 (Hungary).
14 See country team submission, para. 11. See also A/HRC/22/15, para. 116.22 (Nicaragua).
15 See http://acnudh.org/peru-oficina-regional-del-acnudh-solicita-regularizar-situacion-laboral-interna-de-la-defensoria-del-pueblo-del-peru/.
16 For relevant recommendations, see A/HRC/22/15, paras. 116.27 and 116.31-116.32.
17 See country team submission, para. 15.
18 See CRC/C/PER/CO/4-5, paras. 27-28.
19 Ibid., paras. 27-28, and CEDAW/C/PER/CO/7-8, para. 7.
20 Country team submission, paras. 69-85.
21 See CCPR/C/PER/CO/5, para. 7, and CERD/C/PER/CO/18-21, paras. 8 and 17.
22 See CRC/C/PER/CO/4-5, paras. 27-28, and CCPR/C/PER/CO/5, para. 8.
23 Country team submission, pp. 13-14. For the relevant recommendations, see A/HRC/22/15, para. 116.4 (Argentina), para. 116.15 (Canada), para. 116.27 (Argentina) and para. 116.32 (Slovenia).
24 See CERD/C/PER/CO/18-21, para. 21.
25 For the relevant recommendation, see A/HRC/22/15, para. 116.113.
26 See CERD/C/PER/CO/18-21, paras. 15-16.
27 See CRC/C/PER/CO/4-5, paras. 23-24.
28 See CEDAW/C/PER/CO/7-8, paras. 37-38.
29 See country team submission, para. 21.
30 Ibid., paras. 26-27.

[31] See http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21894&LangID=E.
[32] See CCPR/C/PER/CO/5, para. 17.
[33] For the relevant recommendations, see A/HRC/22/15, paras. 116.4-116.6, 116.34-116.35, 116.54-116.55 and 116.64-116.67.
[34] See CAT/C/PER/CO/5-6, para. 12, and CCPR/C/PER/CO/5, paras. 15-16.
[35] See CAT/C/PER/CO/5-6, para. 13.
[36] Ibid., para. 22.
[37] See country team submission, paras. 36-37.
[38] See http://acnudh.org/acnudh-lamenta-violencia-y-muertes-en-las-bambas-peru/, http://acnudh.org/peru-acnudh-condena-la-violencia-suscitada-en-arequipa-en-torno-al-proyecto-tia-maria-y-llama-al-dialogo/, http://acnudh.org/23338/, http://acnudh.org/peru-acnudh-expreso-solidaridad-por-muerte-de-poblador-durante-desalojo-en-cajamarca-y-solicita-investigacion-exhaustiva/ and http://acnudh.org/acnudh-condena-muertes-de-lideres-ashaninkas-en-peru/.
[39] See CAT/C/PER/CO/5-6, para. 8.
[40] See country team submission, para. 33.
[41] Ibid., para. 28. For the relevant recommendations, see A/HRC/22/15, para. 116.16 (Morocco), para. 116.17 (Mexico), para. 116.18 (Spain) and para. 116.35 (Norway).
[42] See CCPR/C/PER/CO/5, para. 21.
[43] See CAT/C/PER/CO/5-6, para. 10.
[44] See country team submission, para. 30. For the relevant recommendations, see A/HRC/22/15, para. 116.64 (Australia), para. 116.65 (Iraq), para. 116.66 (Spain) and para. 116.67 (Thailand).
[45] See CRC/C/PER/CO/4-5, paras. 47-48.
[46] For relevant recommendations, see A/HRC/22/15, paras. 116.49, 116.53, 116.56-116.61, 116.63 and 117.3.
[47] See CAT/C/PER/CO/5-6, para. 9.
[48] See country team submission, para. 30.
[49] See CEDAW/C/PER/CO/7-8, paras. 11 and 19.
[50] See A/HRC/29/40/Add.2, para. 20. See also A/HRC/29/40/Add.5.
[51] See CMW/C/PER/CO/1, para. 28.
[52] See country team submission, para. 40. See also A/HRC/22/15, para. 116.49 (Spain), para. 116.56 (Belgium), para. 116.57 (United States of America), para. 116.58 (Argentina) and para. 116.63 (Tunisia).
[53] See A/HRC/29/40/Add.2, para. 23.
[54] See A/HRC/33/51/Add.3, para. 44.
[55] See CRC/C/OPSC/PER/CO/1 and Corr.1, paras. 25-26.
[56] See A/HRC/33/51/Add.3, para. 71.
[57] Ibid., para. 70.
[58] See CAT/C/PER/CO/5-6, para. 16.
[59] See CCPR/C/PER/CO/5, para. 11.
[60] See CERD/C/PER/CO/18-21, para. 22.
[61] See CRC/C/OPAC/PER/CO/1, paras. 27-28.
[62] See CERD/C/PER/CO/18-21, para. 22, and CEDAW/C/PER/CO/7-8, paras. 21-22.
[63] For relevant recommendations, see A/HRC/22/15, paras. 116.5, 116.33, 116.41, 116.72-116.74 and 117.4.
[64] See CRC/C/PER/CO/4-5, paras. 21-22, and CCPR/C/PER/CO/5, paras. 22-23.
[65] See country team submission, para. 105. See also A/HRC/22/15, para. 116.72 (Australia), para. 116.74 (Netherlands) and para. 119.5 (Netherlands).
[66] See CCPR/C/PER/CO/5, para. 9.
[67] See CEDAW/C/PER/CO/7-8, para. 15.
[68] Ibid., paras. 25-26.
[69] Ibid., para. 16.
[70] See country team submission, para. 78.
[71] See A/HRC/29/40/Add.2, para. 38. See also A/HRC/29/40/Add.5.
[72] See CCPR/C/PER/CO/5, para. 22.
[73] For relevant recommendations, see A/HRC/22/15, paras. 116.21, 116.42 and 116.48.
[74] See CRC/C/PER/CO/4-5, paras. 65-66, CCPR/C/PER/CO/5, para. 23, and CAT/C/PER/CO/5-6, para. 21.
[75] See CERD/C/PER/CO/18-21, para. 20.
[76] See CEDAW/C/PER/CO/7-8, paras. 23-24.
[77] See CRC/C/OPSC/PER/CO/1 and Corr.1, para. 21.
[78] See CMW/C/PER/CO/1, para. 55.
[79] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR.

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[80] See country team submission, paras. 42 and 47.

[81] For relevant recommendations, see A/HRC/22/15, paras. 116.68-116.71 and 119.3.

[82] See CMW/C/PER/CO/1, paras. 44-45.

[83] See CEDAW/C/PER/CO/7-8, para. 27, CERD/C/PER/CO/18-21, para. 19, and CRC/C/PER/CO/4-5, paras. 33-34.

[84] For relevant recommendations, see A/HRC/22/15, paras. 116.77 and 116.112.

[85] See CEDAW/C/PER/CO/7-8, paras. 31-32.

[86] See A/HRC/29/40/Add.2, para. 46. See also A/HRC/29/40/Add.5.

[87] See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3185899,102805,Peru,2014.

[88] See CMW/C/PER/CO/1, para. 31.

[89] See country team submission, paras. 44-45. See also A/HRC/22/15, para. 116.48 (Belarus), para. 116.75 (Bangladesh), para. 116.76 (Republic of Moldova) and para. 116.77 (Kyrgyzstan).

[90] See country team submission, para. 45. See also A/HRC/22/15, para. 116.48 (Belarus), para. 116.75 (Bangladesh), para. 116.76 (Republic of Moldova) and para. 116.77 (Kyrgyzstan).

[91] For relevant recommendations, see A/HRC/22/15, paras. 116.19, 116.23, 116.78-116.90 and 116.109.

[92] See country team submission, para. 17. See also A/HRC/22/15, para. 116.19 (Nicaragua), para. 116.78 (China), para. 116.79 (Cuba), para. 116.80 (Algeria), para. 116.81 (Brazil), para. 116.82 (Chile), para. 116.83 (Greece), para. 116.84 (Morocco), para. 116.85 (Ecuador), para. 116.86 (Bolivarian Republic of Venezuela), para. 116.87 (Bangladesh), para. 116.88 ((Bolivarian Republic of Venezuela), para. 116.89 (Belarus), para. 116.90 (Kyrgyzstan) and para. 116.91 (Algeria).

[93] See CRC/C/PER/CO/4-5, paras. 59-60.

[94] See CERD/C/PER/CO/18-21, para. 8.

[95] See CEDAW/C/PER/CO/7-8, paras. 37-38.

[96] See A/HRC/29/40/Add.2, para. 74.

[97] Ibid., para. 44. See also A/HRC/29/40/Add.5.

[98] See country team submission, paras. 52 and 54.

[99] Ibid., para. 50. See also A/HRC/22/15, para. 116.91 (Algeria).

[100] For relevant recommendations, see A/HRC/22/15, paras. 116.92-116.98 and 119.6-119.9.

[101] See country team submission, para. 56. See also A/HRC/22/15, para. 116.94 (Iraq), para. 116.95 (Slovenia), para. 116.96 (Portugal), para. 116.97 (Finland), para. 116.98 (Mexico) and para. 116.99 (Cuba).

[102] See CRC/C/PER/CO/4-5, paras. 53-54.

[103] Ibid., paras. 55-56.

[104] See A/HRC/29/40/Add.2, para. 64. See also A/HRC/29/40/Add.5.

[105] See A/HRC/29/40/Add.2, paras. 62 and 86 (b)-(c), and CEDAW/C/PER/CO/7-8, para. 35.

[106] See CEDAW/C/PER/CO/7-8, para. 36.

[107] See CCPR/C/PER/CO/5, para. 14, and CAT/C/PER/CO/5-6, para. 15. See also country team submission, p. 9.

[108] See CRC/C/PER/CO/4-5, paras. 57-58.

[109] See country team submission, para. 65.

[110] See CMW/C/PER/CO/1, paras. 39-40.

[111] See CEDAW/C/PER/CO/7-8, paras. 33-34.

[112] See country team submission, paras. 63-64.

[113] For relevant recommendations, see A/HRC/22/15, paras. 116.25 and 119.99-116.104.

[114] See country team submission, para. 67.

[115] UNESCO submission for the universal periodic review of Peru, p. 5.

[116] Ibid., p. 6.

[117] See country team submission, paras. 15 and 67.

[118] See CRC/C/PER/CO/4-5, paras. 61-62, and CEDAW/C/PER/CO/7-8, para. 29.

[119] See CERD/C/PER/CO/18-21, para. 18.

[120] See A/HRC/29/40/Add.2, para. 72.

[121] UNESCO submission, pp. 6-7.

[122] See A/HRC/29/40/Add.2, para. 50. See also A/HRC/29/40/Add.5.

[123] See CEDAW/C/PER/CO/7-8, para. 29.

[124] See CRC/C/PER/CO/4-5, paras. 51-52.

[125] See CMW/C/PER/CO/1, paras. 39-40.

[126] See CRC/C/PER/CO/4-5, paras. 61-62, and UNESCO submission, p. 7.

[127] For relevant recommendations, see A/HRC/22/15, paras. 116.28-116.31, 116.36-116.40, 116.51-116.52 and 116.75-116.76.

[128] See A/HRC/29/40/Add.2, para. 27. See also A/HRC/29/40/Add.5.

[129] See CEDAW/C/PER/CO/7-8, paras. 9-10.
[130] See CERD/C/PER/CO/18-21, para. 17.
[131] See A/HRC/29/40/Add.2, para. 53. See also A/HRC/29/40/Add.5.
[132] See CEDAW/C/PER/CO/7-8, paras. 17-18, and CAT/C/PER/CO/5-6, para. 14.
[133] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15079&LangID=E.
[134] See country team submission, para. 69-70.
[135] See CEDAW/C/PER/CO/7-8, paras. 41-42.
[136] See A/HRC/29/40/Add.2, paras. 32 and 35. See also A/HRC/29/40/Add.5.
[137] For relevant recommendations, see A/HRC/22/15, paras. 116.9-116.13, 116.24, 116.43-116.47, 116.50, 118.1 and 119.4.
[138] See CAT/C/PER/CO/5-6, para. 20, and CRC/C/PER/CO/4-5, paras. 39-42.
[139] See CRC/C/PER/CO/4-5, para. 41.
[140] Ibid., paras. 65-66.
[141] CRC/C/OPAC/PER/CO/1, paras. 13-14 and 17-18.
[142] See country team submission, paras. 79-80.
[143] CRC/C/PER/CO/4-5, paras. 55-56.
[144] Ibid., paras. 43-44.
[145] For relevant recommendations, see A/HRC/22/15, paras. 116.105-116.107.
[146] See CAT/C/PER/CO/5-6, para. 19.
[147] CRC/C/PER/CO/4-5, paras. 51-52.
[148] See country team submission, para. 86.
[149] For relevant recommendations, see A/HRC/22/15, paras. 116.108 and 116.110-116.111.
[150] See A/HRC/27/52/Add.3, para. 71.
[151] See country team submission, para. 92.
[152] See http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21871&LangID=E.
[153] See A/HRC/27/52/Add.3, para. 72.
[154] Ibid., para. 9.
[155] See CRC/C/PER/CO/4-5, paras. 23-24.
[156] See CERD/C/PER/CO/18-21, para. 14, and CCPR/C/PER/CO/5, para. 24.
[157] See CERD/C/PER/CO/18-21, para. 13.
[158] See country team submission, paras. 89-90.
[159] UNHCR submission for the universal periodic review of Peru, p. 5.
[160] See country team submission, paras. 96-97.
[161] See CCPR/C/PER/CO/5, para. 18.
[162] See CMW/C/PER/CO/1, para. 31.
[163] Ibid., para. 24.
[164] Ibid., paras. 26-27.
[165] UNHCR submission, p. 1.
[166] See A/HRC/22/15, para. 116.21 (Thailand) and para. 116.42 (United States of America).
[167] UNHCR submission, pp. 2-3.
[168] See A/HRC/22/15, para. 116.38 (Spain).
[169] UNHCR submission, p. 4.
[170] UNHCR submission, pp. 4-5.